

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :	CRIMINAL NO.
v.	: DATE FILED _____
ROBERT A. SMITH, M.D.	: VIOLATIONS:
	:
	: 21 U.S.C. § 841(a)(1)
	: (dispensing and distributing controlled
	: substances -1 count)
	: 18 U.S.C. § 1347
	: (health care fraud -1 count)
	:

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Defendant ROBERT A. SMITH, M.D., was a medical doctor, licensed to practice medicine by the Commonwealth of Pennsylvania.
2. Federal law regulates the dispensing of substances which are listed as "controlled substances," which may be dispensed to an ultimate user through the lawful order of an authorized medical practitioner, that is, a prescription.
3. A prescription for a controlled substance must be issued for a legitimate purpose by a medical practitioner acting in the usual course of his professional practice. An order purporting to be a prescription, issued neither in the usual course of professional treatment nor for legitimate and authorized research, is not a "prescription" under federal law.
4. From in or about October 2003 through in or about June 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

ROBERT A. SMITH, M.D.

knowingly and intentionally dispensed and distributed the following controlled substances without a legitimate medical purpose and outside the usual course of professional practice: approximately 3,498 Percocet pills containing a mixture or substance of a detectable amount of oxycodone, a Schedule II controlled substance, and approximately 2,367 OxyContin pills containing a mixture or substance of a detectable amount of oxycodone, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3 of Count One are incorporated here.

1. From on or about December 11, 2001, to on or about February 3, 2004, in the Eastern District of Pennsylvania, defendant

ROBERT A. SMITH, M.D.

knowingly and willfully executed a scheme to defraud health care benefit programs, that is, Independence Blue Cross, Aetna U.S. Healthcare, HealthNet, Inc., Keystone, and Americhoice, and to obtain money and property owned by and under the custody and control of those health care benefit programs, by means of false and fraudulent pretenses, representations, and promises, in connection with the delivery of, and payment for, health care benefits, items and services, by causing the submission and payment of fraudulent health care insurance claims for fraudulent prescriptions for Percocet and OxyContin pills, that defendant knew were not intended for the person named on the prescription, in the total approximate amount of \$104,179.03.

In violation of Title 18, United States Code, Section 1347.

PATRICK L. MEEHAN
United States Attorney